

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHERWIN CHERRY
o/b/o S.C., a minor

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA,
et al.,

Defendants

No. 3:11-CV-2047

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SMYSER)

ORDER

NOW this 27th day of February, 2012, upon review of Magistrate Judge Smyser's Report and Recommendation (Doc. 5) for plain error or manifest injustice, **IT IS HEREBY**

ORDERED that:

- (1) The Report and Recommendation (Doc. 5) is **ADOPTED**.
- (2) Plaintiff's Complaint (Doc. 1) is **DISMISSED**.
- (3) The Clerk of Court is ordered to mark this matter as **CLOSED**.



A. Richard Caputo
United States District Judge